

HOUSE No. 1312

By Ms. Balser of Newton, petition of Ruth B. Balser and others for legislation to provide for the establishment of a mental health court for the Commonwealth. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Ruth B. Balser	Patricia D. Jehlen
Robert A. Antonioni	David B. Sullivan
Ellen Story	Steven A. Tolman
Douglas W. Petersen	William Smitty Pignatelli
Christine E. Canavan	Michael E. Festa
Kay Khan	Carl M. Sciortino, Jr.
John P. Fresolo	Elizabeth A. Malia
Steven J. D'Amico	Jennifer M. Callahan
Barbara A. L'Italien	Gloria L. Fox

In the Year Two Thousand and Seven.

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A MENTAL HEALTH COURT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The governor is hereby authorized and directed to
2 file an application with the attorney general of the United States of
3 America for a grant to establish a demonstration mental health court
4 under the provisions of (42 USC 3793 (a) as amended.

1 SECTION 2. The chief administrative justice of the trial court of
2 the commonwealth is hereby authorized and directed to establish a
3 program that will involve the following:—

4 (1) continuing judicial supervision, including periodic review,
5 over preliminarily qualified offenders with mental illness, mental
6 retardation, or co-occurring mental illness and substance abuse dis-
7 orders, who are charged with misdemeanors or nonviolent offenses;
8 and

9 (2) the coordinated delivery of services, which includes:—

10 (A) specialized training of law enforcement and judicial personnel
11 to identify and address the unique needs of a mentally ill or mentally
12 retarded offender;

13 (B) voluntary outpatient or inpatient mental health treatment, in
14 the least restrictive manner appropriate, as determined by the court,
15 that carries with it the possibility of dismissal of charges or reduced
16 sentencing upon successful completion of treatment;

17 (C) centralized case management involving the consolidation of
18 all of a mentally ill or mentally retarded defendant's cases, including
19 violations of probation, and the coordination of all mental health
20 treatment plans and social services, including life skills training,
21 such as housing placement, vocational training, education, job place-
22 ment, health care, and relapse prevention for each participant who
23 requires such services; and

24 (D) continuing supervision of treatment plan compliance for a
25 term not to exceed the maximum allowable sentence or probation for
26 the charged or relevant offense and, to the extent practicable, conti-
27 nuity of psychiatric care at the end of the supervised period.